

sheet/implement" which function as "arthropod deterring component(s)" on pages 7-8 of the parent application 09/750,831 which was filed DECEMBER 28, 2000 well BEFORE SHARPLES. Thus, the subject invention features have clear antecedent bases to a parent application having effective filing dates well before Sharples. Thus, removal of the Sharples reference under sec. 102e is respectfully requested. ✓

Claims 2-6, 8, 11-16, 19, 21-32, 34-37 were also rejected under sec. 103 as being unpatentable over Sharples. Applicants strongly disagree with the statements that in reference to subject claims 2-5, that although "Sharples does not show walls, ceilings, and floors....(i)t would have been obvious....to use walls, ceilings, and floors...." Applicant again requests the examiner review the parent application SN 09/750,831 to the subject application. Fig. 2, 3(clearly show wall sockets and switches) and 4(shows pipe applications) of the parent application clearly shows and describes bases for using "barrier device(s)"/"arthropod deterring component(s)" for openings of various types that would inherently include "walls, ceilings, and floors.." Thus, the subject invention has antecedent bases for all these features based on the parent application on which it claims a benefit of priority to.

Applicant disagrees with the statements that in reference to claims 6, 8, 11-16, 19, 21, 23, 25, 27, 29 and 31 that although "Sharples does not show shower faucet handles, pipes, drainlines for sinks, incoming waterlines for sinks, waterlines for showerheads, electric powered fixtures, ceiling fans, lights, drain receptacles, vent covers, wall switches and covers, telephone jacks and covers, thermostats mounted to a wall portion, electrical sockets and covers, and cable sockets and covers..." such features would be obvious in view of Sharples. Applicants again requests the examiner review the parent application SN 09/750,831 to the subject application. Fig. 2, 3(clearly show wall sockets and switches) and 4(shows pipe applications) of the parent application clearly describes bases for using "barrier device(s)"/"arthropod deterring component(s)" for openings of various types that would inherently include "walls, ceilings, and floors.." Thus, the subject invention has antecedent bases for all these features based on the parent application on which it claims a benefit of priority to.

Applicant disagrees with the statements that in reference to claims 7, 9, 10, 17, 18, 20 that although "Sharples does not show barrier material in the form of a disc shaped with a center through-hole, a conical shape with a center through-hole therethrough, a bell shape with a center through hole therethrough, a cup shaped insert having a center through hole" that "these shapes

are obvious..." in view of Sharples. Applicants again requests the examiner review the parent application SN 09/750,831 to the subject application. All the figures of the parent application clearly shows and describes novel shaped features for using "barrier device(s)"arthropod deterring component(s) that the subject application can claim the benefit of an earlier filing date to. Thus, the subject invention has antecedent bases for all these features based on the parent application on which it claims a benefit of priority to.

Applicant disagrees with the statements that in reference to claims 22, 24, 26, 28, 30, 32 that although "Sharples does not show a package..." such features would be obvious in view of Sharples. Applicants again requests the examiner review the parent application SN 09/750,831 to the subject application. Thus, the subject invention has antecedent bases for all these features based on the parent application on which it claims a benefit of priority to.

Applicant disagrees with the statements that in reference to claims 34-37, "the claimed methods of using Sharple's modified retractable electric wall outlet" would be reject these features. Again, attached Figures 2-3 of the parent application WHICH CLEARLY PREDATES THE FILING DATE OF SHARPLES CLEARLY OBVIATES THIS REJECTION.

It is clearly improper for the examiner to arbitrarily ignore any of the novel features of claims 2-6, 8, 11-16, 19, 21-32, 34-37. Under the rules of the MPEP, if the applicants request the examiner cite the reference(s) showing each and every one of the references that supports a rejection, the examiner must cite the reference or remove the rejection. Under MPEP 706.02 and 37 C.F.R. 1.107(b), applicants request the examiner specifically point out which uncited reference(s) describes and teaches these unsubstantiated opinions and assertions raised in the rejection that claims 2-6, 8, 11-16, 19, 21-32, 34-37 are obvious under sec. 103. Under the MPEP and CFR sections cited above, the examiner must cite the reference(s) that shows these unsubstantiated opinions and assertions mentioned in their rejection, or remove the 103 rejection for at least these reasons alone.

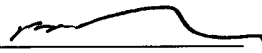
It is further clearly improper for the examiner to reject the application based on the teachings of the applicants invention. Under well recognized rules of the MPEP (for example, section 706.02(j)), the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438(Fed. Cir. 1991).

Furthermore, the mere fact that someone in the art can rearrange parts of a reference device to meet the terms of a claim is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for someone of ordinary skill in the art, without the benefit of the inventor's specification to make the necessary changes in the reference device. Ex parte Chicago Rawhide Mfg. Co., 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984).

Applicant contends the references cannot be modified to incorporate the features of subject claims 1-37 without utilizing Applicant's disclosure. The courts have consistently held that obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion, incentive or motivation supporting the combination. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

In view of the foregoing considerations, it is respectfully urged that the subject amendment be entered and claims 1-37 be allowed. Such action is respectfully requested. If the Examiner believes that an interview would be helpful, the Examiner is requested to contact the attorney at the below listed number.

Respectfully Submitted;



Brian S. Steinberger
Registration No. 36,423
101 Brevard Avenue
Cocoa, Florida 32922
Telephone: (321) 633-5080

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